

BRENNEKE DECLARATION
EXHIBIT D

The Honorable Robert J. Bryan

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

No. 3:17-cv-05806-RJB

**GEO GROUP, INC.'S RESPONSES TO
STATE OF WASHINGTON'S SECOND
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

**DEFENDANT'S RESPONSES TO PLAINTIFF'S
SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") and the Local Rules of the U.S. District Court for the Western District of Washington (the "Local Rules"), Defendant The GEO Group, Inc. ("GEO") hereby responds and objects to Plaintiff's Requests for Production. As a reminder, certain documents responsive to these requests will require review and clearance by the Bureau of Immigration and Customs Enforcement ("ICE"). Subject to the specific objections below, GEO will produce documents on a rolling basis subject to a reasonable schedule mutually agreed to by the parties or shall be substantially complete with its production 30 days prior to the close of discovery, barring any delays caused by ICE's review of the documents.

STATE OF WASHINGTON v. GEO GROUP
ECF CASE NO. 3:17-cv-05806-RJB
GEO GROUP'S RESPONSE TO THE STATE
OF WASHINGTON'S SECOND REQUESTS
FOR PRODUCTION OF DOCUMENTS

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OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

GEO objects to Plaintiff's definition of "communication" in paragraph 3.3 to include "any conversations, meetings, correspondence, conference, and any other means or manner by which information or opinion is or was communicated to or received from others, whether written, electronic, or oral" to the extent that oral communications are unrecorded in either a written or electronic medium. GEO will only produce documents existing in a tangible medium and will not produce any unrecorded oral communications because it is not possible to do so and is outside the scope of document discovery.

GEO objects to Plaintiff's definition of "document" in paragraph 3.5 as it is contrary to the Federal Rules of Civil Procedure. GEO defines "document" according to its definition in Fed. R. Civ. P. 34(a)(1)(A). GEO further objects to Plaintiff's definition of "document" to include "messages and/or attachments now only available on backup or archive tapes or disks" as not reasonably accessible, unduly burdensome, and outside of the scope of discovery. GEO further objects to Plaintiff's definition of "document" referring to or invoking Washington State Rules of Evidence to the extent that the Washington State Rules of Evidence purport to impose obligations on GEO beyond the requirements of the Federal Rules of Evidence. GEO therefore objects to Plaintiff's definition of "writings" and "records" to the extent it cites to the Washington State Rules of Evidence ("ER 1001(a)") and not the applicable Federal Rules of Evidence. GEO will comply with any discovery obligations as they exist in the Federal Rules of Evidence.

GEO objects to Plaintiff's definition of "ICE" (Immigration and Customs Enforcement) in paragraph 3.6 as overly broad. GEO defines ICE only to include the agency of the United States Department of Homeland Security, ICE employees, and any other persons or entities acting on behalf of or under the direction, authorization, or control of ICE.

GEO objects to Plaintiff's definitions of "Identify" included in paragraphs 3.7 through 3.10. GEO is required to produce responsive documents, not create documents that identify

1 particular natural persons, entities, documents, or conversations in response to Plaintiff's Second
2 Requests for Production.

3 GEO objects to Plaintiff's definition of "Relevant time period" included in paragraph 3.14
4 on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement
5 and produce additional information without a defined end date. GEO will produce any
6 documents, to the extent they exist and are responsive to the specific Requests stated below, from
7 2005 to January 5, 2018, the date the State served its first discovery requests on GEO.

8 GEO objects to Plaintiff's definition of "state the basis" in paragraph 3.15 as inapplicable
9 to Plaintiff's Second Requests for Production. GEO is under no obligation to "state the basis" for
10 any of its responses or objections to Plaintiff's Second Requests for Production. GEO will
11 respond to Plaintiff's Second Requests for Production in accordance with Fed. R. Civ. P.
12 34(b)(2).

13 GEO objects to Plaintiff's definition of "You," "Your," and "GEO Group" in paragraph
14 3.16 as outside the scope of discovery as defined by Fed. R. Civ. P. 26(b)(1) to the extent that the
15 request seeks information relating to persons or entities that are separate and distinct from GEO
16 and over whom GEO exercises no control. GEO further objects to these definitions to the extent
17 that the request includes GEO attorneys and, therefore, improperly seeks information protected by
18 the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any
19 other applicable privileges or immunities. In responding to these requests, GEO interprets the
20 terms "You," "Your," and "GEO Group" to refer only to the named party in this action and any
21 entities GEO has the legal right to control.

22 GEO objects to Instruction 4.1 to the extent that Plaintiff seeks production of documents
23 outside of the possession, custody, or control of the named party, GEO, and any entities GEO has
24 the legal right to control.

25 GEO objects to Instruction 4.3 to the extent that Plaintiff seeks information outside of the
26 possession, custody, or control of an entity within the legal right to control of the named party,

1 GEO. Furthermore, GEO objects to the procedure for claiming privilege as described in
 2 Instruction 4.3. GEO will produce a privilege log in accordance with Fed. R. Civ. P. 26(b)(5) or
 3 in a format mutually agreed to by the parties.

4 GEO objects to Instruction 4.8, which instructs GEO to produce “all earlier editions or
 5 predecessor documents” and, therefore, would require GEO to produce documents outside of the
 6 scope of discovery. GEO will only produce documents relevant to the claims and defenses of the
 7 parties from 2005 to January 5, 2018, the date the State served its first discovery requests on
 8 GEO.

9 GEO objects to Instruction 4.9 as it states a procedure for the production of documents,
 10 including the labelling and grouping of documents, as well as providing a key for abbreviations
 11 used in all documents, that is unduly burdensome and not required under the Federal Rules of
 12 Civil Procedure. Pursuant to Fed. R. Civ. P. 34(b)(2)(E), GEO will produce documents as they
 13 are kept in the usual course of business, as they were ordinarily maintained or in a reasonably
 14 useable format. Furthermore, GEO objects to Instruction 4.9 that requires “each responsive
 15 document or information shall be produced in its entirety and no portion of any document or
 16 information shall be edited, cut, masked, redacted or otherwise altered.” GEO objects as this may
 17 require the production of information subject to privilege, privacy or security restrictions. GEO
 18 reserves the right to redact information that is not responsive as well as to redact for privilege.
 19 GEO may also produce documents redacted, *inter alia*, to protect the privacy and safety of
 20 individuals identified in the documents, detainees, GEO staff, and others.

21 GEO objects to Instruction 4.12 to the extent it requires GEO to take extraordinary
 22 measures that would be disproportionately expensive and burdensome to preserve electronic
 23 information. In accordance with Fed. R. Civ. P. 37(e) and relevant case law, GEO will take
 24 reasonable steps to preserve electronically stored information potentially relevant to this matter.

25 GEO objects to Instruction 4.13 as no “Exhibit A” has been attached to Plaintiff’s Second
 26 Requests for Production. Pursuant to Fed. R. Civ. P. 34(b)(2)(E), GEO will produce documents

as TIFF images with extracted text (or OCR'd text for redacted documents) or in a reasonably useable format as appropriate. GEO will also adhere to the parameters set forth in its April 27, 2018 letter to the State regarding document production format in the above-captioned matter.

GEO objects to Instruction 4.14 as contrary to the Federal Rules of Civil Procedure, and largely inapplicable to the substance of Plaintiff's Second Request for Production. Without waiver of any rights or other objections, GEO will produce documents responsive to Plaintiff's Second Requests for Production and within its possession, custody, or control in accordance with Fed. R. Civ. P. 34(a)(1).

GEO objects to Instruction 4.15 as GEO is not required under the Federal Rules of Civil Procedure to describe documents or information that may have been destroyed prior to reasonably anticipating litigation in this matter.

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 18: Please produce all documents that are referenced in, support, or that form the basis of Your response to Interrogatory No. 7.

RESPONSE TO NO. 18: GEO objects to this Request on the grounds that it is unduly burdensome as it seeks "all documents . . . that form the basis" for GEO's response to Interrogatory No. 7, where documents sufficient to show the profits and losses for NWDC would be reasonable and complete. Likewise, GEO objects to the Request as not proportionate to the needs of the case, as discovery of "all documents" used to detail the profits and losses at NWDC does nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO further objects to this Request as outside of the scope of discovery, to the extent that it seeks information regarding GEO's profits or losses, beyond those related to the voluntary work program ("VWP"), as all other profits and losses are not relevant to the claims or defenses in this case. GEO also objects

1 to this Request as overly broad and unduly burdensome as Interrogatory No. 7 has no defined end
 2 date and requires GEO to continuously supplement its responses. GEO objects to this Request to
 3 the extent that it seeks that information protected by the attorney-client privilege, the work
 4 product doctrine, the common interest privilege, and/or any other applicable privileges or
 5 immunities. Subject to and without waiving GEO's above stated objections, GEO will not be
 6 producing documents responsive to this Request at this time. Documents concerning GEO's
 7 profits or losses are not relevant to this proceeding at this time. Should the court determine that
 8 GEO is subject to suit and liable for payment of wages to VWP participants under the
 9 Washington Minimum Wage Act and/or a theory of unjust enrichment, GEO will then conduct a
 10 reasonable search of documents on active electronic systems and reasonably accessible paper
 11 storage areas that GEO reasonably believes contain potentially relevant information within its
 12 possession, custody, and control, to the extent they exist and subject to the protective order
 13 entered in this case, produce relevant, responsive, non-privileged documents sufficient to show
 14 the profits and losses related to the VWP at NWDC created from 2005 to January 5, 2018. GEO
 15 is withholding documents on the basis of the above stated objections.

16 **REQUEST FOR PRODUCTION NO. 19:** Please produce all documents that are
 17 **referenced in, support, or that form the basis of Your response to Interrogatory No. 8.**

18 **RESPONSE TO NO. 19:** GEO objects to this Request on the grounds that it is unduly
 19 burdensome as it seeks "all documents . . . that form the basis" for GEO's response to
 20 Interrogatory No. 8, where documents sufficient to show the amount and basis of GEO's claimed
 21 offset would be reasonable and complete. Likewise, GEO objects to the Request as not
 22 proportionate to the needs of the case, as discovery of "all documents" that form the basis of the
 23 claimed offset does nothing to resolve any issue in the case and any burden on GEO would

1 outweigh the negligible benefit Plaintiff would receive from the information. GEO objects to this
 2 Request to the extent that it seeks that information protected by the attorney-client privilege, the
 3 work product doctrine, the common interest privilege, and/or any other applicable privileges or
 4 immunities. GEO also objects to this Request as overly broad and unduly burdensome as
 5 Interrogatory No. 8 has no defined end date and requires GEO to continuously supplement its
 6 responses. Subject to and without waiving GEO's above stated objections, GEO will conduct a
 7 reasonable search of documents on active electronic systems and reasonably accessible paper
 8 storage areas that GEO reasonably believes contain potentially relevant information within its
 9 possession, custody, and control, to the extent they exist, have not already been produced, and
 10 subject to the protective order entered in this case, produce relevant, responsive, non-privileged
 11 documents sufficient to show the amount and basis of GEO's claimed offset created from 2005 to
 12 January 5, 2018. In addition, GEO has already produced three responsive documents: GEO-
 13 State 19281, GEO-State 19283, and GEO-State 19286. GEO is withholding documents on the
 14 basis of the above stated objections.

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 18 **REQUEST FOR PRODUCTION NO. 20:** Please produce all documents that are
 19 referenced in, support, or that form the basis of Your response to Interrogatory No. 9.

20 **RESPONSE TO NO. 20:** GEO objects to this Request on the grounds that it is unduly
 21 burdensome as it seeks "all documents . . . that form the basis" for GEO's response to
 22 Interrogatory No. 9, where documents sufficient to show the total amount ICE paid detainee
 23 workers through GEO for work performed in the NWDC's VWP would be reasonable and
 24 complete. Likewise, GEO objects to the Request as not proportionate to the needs of the case, as
 25 discovery of "all documents" used to show the total amount ICE paid detainee workers through
 26 GEO for work performed in the NWDC's VWP does nothing to resolve any issue in the case and

any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO objects to this Request to the extent that it seeks that information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. GEO objects to this Request as it seeks documents subject to contractual, statutory, and regulatory authority requiring ICE review. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, to the extent they exist, have not already been produced and subject to the protective order entered in this case, produce relevant, responsive, non-privileged documents sufficient to show the total amount ICE paid detainee workers through GEO for work performed in the NWDC's VWP created from 2005 to January 5, 2018. In addition, GEO has already produced one responsive document GEO-State 19286.¹ GEO is withholding documents on the basis of the above stated objections.

REQUEST FOR PRODUCTION NO. 21: Please produce all documents that are referenced in, support, or that form the basis of Your response to Interrogatory No. 10.

RESPONSE TO NO. 21: GEO objects to this Request on the grounds that it is unduly burdensome as it seeks "all documents . . . that form the basis" for GEO's response to Interrogatory No. 10, where documents sufficient to show the total number of detainees participating in the VWP at NWDC, should it be ascertainable, would be reasonable and complete. Likewise, GEO objects to the Request as not proportionate to the needs of the case, as

¹ Currently the earliest period for which GEO has information related to payments from ICE placed in the detainee trust account for VWP participation is December 2005.

discovery of “all documents” used to identify the total number of VWP participants at NWDC does nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. Finally, GEO also objects to this Request as overly broad and unduly burdensome as Interrogatory No. 10 has no defined end date and requires GEO to continuously supplement its responses. GEO objects to this Request to the extent that it seeks that information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. Subject to and without waiving GEO’s above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, to the extent they exist and subject to the protective order entered in this case, produce relevant, responsive, non-privileged documents sufficient to show the total ascertainable number of recorded VWP participants at NWDC from 2005 to January 5, 2018. GEO is withholding documents on the basis of the above stated objections.

REQUEST FOR PRODUCTION NO. 22: Please produce all documents that are referenced in, support, or that form the basis of Your response to Interrogatory No. 11.

RESPONSE TO NO. 22: GEO objects to this request as it is unduly burdensome and disproportionate because it requests documents to prove a negative answer. GEO has been very clear with Plaintiff that it does not track the time spent by detainees each day on their assigned tasks. Rather, it tracks whether a detainee participated in the program on a given day, and the task that detainee elected to perform. The time taken by the detainee to complete the task necessarily varies to some extent from day to day and task to task. As the VWP was never intended to pay detainees on an hourly basis, there are no records regarding the exact time spent

1 by detainees to perform their selected tasks. GEO objects to this Request to the extent that it
 2 seeks that information protected by the attorney-client privilege, the work product doctrine, the
 3 common interest privilege, and/or any other applicable privileges or immunities. GEO also
 4 objects to this Request as overly broad and unduly burdensome as Interrogatory No. 11 has no
 5 defined end date and requires GEO to continuously supplement its responses. Subject to and
 6 without waiving GEO's above stated objections, GEO will conduct a reasonable search of
 7 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 8 reasonably believes contain potentially relevant information within its possession, custody, and
 9 control, to the extent they exist and subject to the protective order entered in this case, produce
 10 relevant, responsive, non-privileged documents sufficient to show that GEO does not track
 11 detainee work hours. GEO is withholding documents on the basis of the above stated objections.

14 **REQUEST FOR PRODUCTION NO. 23:** Please produce all documents that are
 15 referenced in, support, or that form the basis of Your response to Interrogatory No. 12.

16 **RESPONSE TO NO. 23:** GEO objects to the Request as not proportionate to the needs of the
 17 case, as discovery of "all documents" used to form the basis of identifying each and every task
 18 and assignment would do nothing to resolve any issue in the case and any burden on GEO would
 19 outweigh the negligible benefit Plaintiff would receive from the information. GEO objects to this
 20 Request to the extent that it seeks that information protected by the attorney-client privilege, the
 21 work product doctrine, the common interest privilege, and/or any other applicable privileges or
 22 immunities. GEO objects to this Request as overly broad and unduly burdensome, as
 23 Interrogatory No. 12 asks GEO to identify "each and every task/assignment" over a fourteen year
 24 (and counting) period that detainees at NWDC performed, and would require GEO to
 25 continuously supplement and amend its response without a defined end date. GEO further objects

1 to use of the terms “task” and “assignment” in Interrogatory No. 12 as vague, as each term could
 2 apply to specific roles, setting, and physical actions or movements that a detainee may complete
 3 as a participant in the VWP. Subject to and without waiving GEO’s above stated objections,
 4 GEO will conduct a reasonable search of documents on active electronic systems and reasonably
 5 accessible paper storage areas that GEO reasonably believes contain potentially relevant
 6 information within its possession, custody, and control, to the extent they exist and subject to the
 7 protective order entered in this case, produce relevant, responsive, non-privileged documents
 8 sufficient to show the tasks available to VWP participants from 2005 to January 5, 2018 where
 9 they may have been provided food. GEO will be withholding documents on the basis of the
 10 above objections.
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 13 **REQUEST FOR PRODUCTION NO. 24:** Please produce all documents that are
 14 **referenced in, support, or that form the basis of Your response to Interrogatory No. 13.**

15 **RESPONSE TO NO. 24:** GEO objects to the Request as not proportionate to the needs of the
 16 case, as discovery of “all documents” used to form the basis of identifying detainees who
 17 performed work for GEO at NWDC for which they were paid in food would do nothing to resolve
 18 any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff
 19 would receive from the information. GEO also objects to this Request as overly broad and
 20 unduly burdensome as Interrogatory No. 13 has no defined end date and requires GEO to
 21 continuously supplement its responses. GEO objects to this Request to the extent that it seeks
 22 that information protected by the attorney-client privilege, the work product doctrine, the
 23 common interest privilege, and/or any other applicable privileges or immunities. GEO objects to
 24 use of the terms “task” and “assignment” in Interrogatory No. 13 as vague, as each term could
 25 apply to specific roles, setting, and physical actions or movements that a detainee may complete
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1 as a participant in the VWP. Subject to and without waiving GEO's above stated objections,
 2 GEO will conduct a reasonable search of documents on active electronic systems and reasonably
 3 accessible paper storage areas that GEO reasonably believes contain potentially relevant
 4 information within its possession, custody, and control, to the extent they exist and subject to the
 5 protective order entered in this case, produce relevant, responsive, non-privileged documents
 6 relating to detainees receiving food from NWDC officers or other NWDC staff in order to build
 7 morale from 2005 to January 5, 2018. GEO will be withholding documents on the basis of the
 8 above objections.
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 11 **REQUEST FOR PRODUCTION NO. 25:** Please produce all documents that are
 12 referenced in, support, or that form the basis of Your response to Interrogatory No. 14.

13 **RESPONSE TO NO. 25:** GEO objects to this Request on the grounds that it is unduly
 14 burdensome as it seeks all documents that "form the basis" for GEO's response to Interrogatory
 15 No. 14, where documents sufficient to show which VWP tasks ICE can pay NWDC detainees
 16 more than a \$1 per day to complete would be reasonable and proportionate. Likewise, GEO
 17 objects to the Request as not proportionate to the needs of the case, as discovery of "all
 18 documents" used to form the basis of identifying which VWP positions detainees can earn more
 19 than a \$1 per day would do nothing to resolve any issue in the case and any burden on GEO
 20 would outweigh the negligible benefit Plaintiff would receive from the information. GEO objects
 21 to this Request to the extent that it seeks that information protected by the attorney-client
 22 privilege, the work product doctrine, the common interest privilege, and/or any other applicable
 23 privileges or immunities. GEO objects to this Request on the grounds that it seeks information
 24 outside of the scope of discovery, as practices at facilities other than the NWDC are not relevant
 25 to the claims or defenses in the case. GEO also objects to this Request as overly broad and
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unduly burdensome as Interrogatory No. 14 has no defined end date and requires GEO to continuously supplement and produce additional information without a defined end date. GEO further objects on to the use of the phrase “earn more than a \$1 per day” in Interrogatory No. 14 as it is vague and ambiguous. Subject to and without waiving GEO’s above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, to the extent they exist and subject to the protective order entered in this case, produce relevant, responsive, non-privileged documents sufficient to show which VWP tasks ICE can pay NWDC detainees more than a \$1 per day to complete from 2005 to January 5, 2018. In addition, GEO has already produced two responsive documents as GEO-State 012190 and GEO-State 006269. GEO will be withholding documents on the basis of the above objections, including documents pertaining to policies, procedures, and practices at any facility other than the NWDC.

REQUEST FOR PRODUCTION NO. 26: Please produce all documents that are referenced in, support, or that form the basis of Your response to Interrogatory No. 15.

RESPONSE TO NO. 26: GEO objects to this Request on the grounds that it is unduly burdensome as it seeks all documents that “form the basis” for GEO’s response to Interrogatory No. 15, where documents sufficient to show which GEO employees supervised detainees in NWDC’s kitchen would be reasonable and complete. Likewise, GEO objects to the Request as not proportionate to the needs of the case, as discovery of “all documents” used to form the basis of identifying which GEO employees supervised detainees in NWDC’s kitchen would do nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO objects to this Request to the extent that it

1 seeks that information protected by the attorney-client privilege, the work product doctrine, the
 2 common interest privilege, and/or any other applicable privileges or immunities. GEO objects to
 3 this Request as it seeks documents related to detainee supervision that is not relevant to the claims
 4 or defenses in this case, which concern work performed as part of the VWP and makes no claim
 5 regarding supervision of detainees. GEO also objects to this Request as overly broad and unduly
 6 burdensome as Interrogatory No. 15 has no defined end date and requires GEO to continuously
 7 supplement and produce additional information without a defined end date. Subject to and
 8 without waiving GEO's above stated objections, GEO will conduct a reasonable search of
 9 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 10 reasonably believes contain potentially relevant information within its possession, custody, and
 11 control, to the extent they exist, and subject to the protective order entered in this case, produce
 12 relevant, responsive, non-privileged documents sufficient to show which GEO employees
 13 supervised detainees in NWDC's kitchen from 2005 to January 5, 2018. GEO will be
 14 withholding documents on the basis of the above objections.

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 18 **REQUEST FOR PRODUCTION NO. 27:** Please produce all documents that are
 19 referenced in, support, or that form the basis of Your response to Interrogatory No. 16.

20 **RESPONSE TO NO. 27:** GEO objects to this Request on the grounds that it is unduly
 21 burdensome as it seeks all documents that "form the basis" for GEO's response to Interrogatory
 22 No. 16, where documents sufficient to show which GEO employees supervised detainees in
 23 NWDC's laundry would be reasonable and complete. Likewise, GEO objects to the Request as
 24 not proportionate to the needs of the case, as discovery of "all documents" used to form the basis
 25 of identifying which GEO employees supervised detainees in NWDC's laundry would do nothing
 26 to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit

1 Plaintiff would receive from the information. GEO objects to this Request to the extent that it
 2 seeks that information protected by the attorney-client privilege, the work product doctrine, the
 3 common interest privilege, and/or any other applicable privileges or immunities. GEO objects to
 4 this Request as it seeks documents related to detainee supervision that is not relevant to the claims
 5 or defenses in this case, which concern work performed as part of the VWP and makes no claim
 6 regarding supervision of detainees. GEO also objects to this Request as overly broad and unduly
 7 burdensome as Interrogatory No. 16 has no defined end date and requires GEO to continuously
 8 supplement and produce additional information without a defined end date. Subject to and
 9 without waiving GEO's above stated objections, GEO will conduct a reasonable search of
 10 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 11 reasonably believes contain potentially relevant information within its possession, custody, and
 12 control, to the extent they exist and subject to the protective order entered in this case, produce
 13 relevant, responsive, non-privileged documents sufficient to show which GEO employees
 14 supervised detainees in NWDC's laundry from 2005 to January 5, 2018. GEO will be
 15 withholding documents on the basis of the above objections..

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 19 **REQUEST FOR PRODUCTION NO. 28:** Please produce all documents that are
 20 referenced in, support, or that form the basis of Your response to Interrogatory No. 17.

21 **RESPONSE TO NO. 28:** GEO objects to this Request on the grounds that it is unduly
 22 burdensome as it seeks all documents that "form the basis" for GEO's response to Interrogatory
 23 No. 17, where documents sufficient to show which GEO employees' main job was to perform
 24 janitorial tasks would be reasonable and complete. Likewise, GEO objects to the Request as not
 25 proportionate to the needs of the case, as discovery of "all documents" used to form the basis of
 26 identifying which GEO employees' main job was to perform janitorial tasks would do nothing to

1 resolve any issue in the case and any burden on GEO would outweigh the negligible benefit
 2 Plaintiff would receive from the information. GEO objects to this Request to the extent that it
 3 seeks that information protected by the attorney-client privilege, the work product doctrine, the
 4 common interest privilege, and/or any other applicable privileges or immunities. GEO objects to
 5 this Request as it seeks information about GEO employees and staffing that is not relevant to the
 6 claims or defenses in this case, which concern work performed as part of the Voluntary Work
 7 Program and makes no claim regarding work performed by GEO employees. GEO also objects
 8 to this Request as overly broad and unduly burdensome as Interrogatory No. 17 has no defined
 9 end date and requires GEO to continuously supplement its responses. Subject to and without
 10 waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on
 11 active electronic systems and reasonably accessible paper storage areas that GEO reasonably
 12 believes contain potentially relevant information within its possession, custody, and control, to
 13 the extent they exist and subject to the protective order entered in this case, produce relevant,
 14 responsive, non-privileged documents sufficient to show which GEO employees' main job was to
 15 perform janitorial tasks as of January 5, 2018. GEO will be withholding documents on the basis
 16 of the above objections.
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 20 **REQUEST FOR PRODUCTION NO. 29:** Please produce all documents that are
 21 **referenced in, support, or that form the basis of Your response to Interrogatory No. 18.**

22 **RESPONSE TO NO. 29:** GEO objects to this Request on the grounds that it is unduly
 23 burdensome as it seeks all documents that "form the basis" for GEO's response to Interrogatory
 24 No. 18, where documents sufficient to show VWP tasks and daily shifts for VWP tasks at NWDC
 25 would be reasonable and complete. Likewise, GEO objects to the Request as not proportionate to
 26 the needs of the case, as discovery of "all documents" used to form the basis of identifying VWP

tasks and daily shifts for VWP tasks at NWDC would do nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO also objects to this Request as overly broad and unduly burdensome as Interrogatory No. 18 has no defined end date and requires GEO to continuously supplement its responses. GEO objects to this Request to the extent that it seeks that information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, to the extent they exist, have not already been produced, and subject to the protective order entered in this case, produce relevant, responsive, non-privileged documents, sufficient to show VWP tasks and daily shifts for VWP tasks at NWDC from 2005 to January 5, 2018. GEO will be withholding documents on the basis of the above objections.

REQUEST FOR PRODUCTION NO. 30: For each of the years 2005 to the present, please produce all documents, reports, and databases that contain aggregated data or information about the number of hours worked by detainee workers in NWDC's VWP.

RESPONSE TO NO. 30: GEO objects to this Request on the grounds that the data does not exist. GEO further objects on the basis that this Request is cumulative of other Requests, including, but not limited to, Request for Production No. 22. As written, GEO believes there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 31: Please produce all schedules or other documents that set forth the number of hours detainee workers' work to complete each task/assignment/ position in the VWP.

RESPONSE TO NO. 31: GEO objects to this Request on the grounds that the data sought is not reasonably accessible or available. GEO further objects to use of the terms “task,” “assignment,” and “position” as vague, as each term could apply to specific roles, setting, and physical actions or movements that a detainee may complete as a participant in the VWP. Finally, this Request is cumulative of other Requests, including, but not limited to, Requests for Production Nos. 22 and 30. As written, GEO believes there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 32: For each of the years 2005 to the present, please produce all documents, reports, and databases that contain aggregated data or information about the hours of detainee work broken down by location of work/ tasks/ assignments/ positions performed by detainee workers in NWDC’s VWP.

RESPONSE TO NO. 32: GEO objects to this Request on the grounds that the data sought is not reasonably accessible or available. GEO further objects to use of the terms “work/task/assignment/position” as vague, as the terms themselves are not specific, could reflect a wide variety of actions or activities, and are subjectively defined. Finally, this Request is cumulative of other Requests, including, but not limited to, Requests for Production Nos. 22 and 30. As written, GEO believes there are no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 33: Please produce all training materials and documents for training provided to detainee workers for each and every VWP task/assignment/position.

RESPONSE TO NO. 33: GEO objects to this Request on the grounds that it seeks information outside of the scope of discovery, as the Request is overly broad and unbounded either by time or to the NWDC, which would require GEO to continuously supplement and produce additional information without a defined end date. Furthermore, GEO objects to the request for all training materials for “each and every task/ assignment/ position” as disproportionate to the needs of the case and vague, as the terms themselves are not specific, could reflect a wide variety of actions or

activities, and are subjectively defined. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control and produce, to the extent they exist and subject to the protective order entered in this case, relevant, responsive, non-privileged documents of training materials related to the VWP provided to VWP detainee participants at the NWDC from 2005 to January 5, 2018. GEO will be withholding documents on the basis of the above objections.

REQUEST FOR PRODUCTION NO. 34: Please produce all training materials for GEO employees regarding the VWP program.

RESPONSE TO NO. 34: GEO objects to this Request on the grounds that it seeks information outside of the scope of discovery, as the Request is overly broad and unbounded either by time or to the NWDC, which would require GEO to continuously supplement and produce additional information without a defined end date. GEO also objects that the Request seeks information not relevant to the claims and defenses of the case, as training GEO employees about the VWP program relates to neither. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control and produce, to the extent they exist and subject to the protective order entered in this case, relevant, responsive, non-privileged training materials provided to GEO NWDC employees regarding the VWP program from 2005 to January 5, 2018.

REQUEST FOR PRODUCTION NO. 35: For the relevant years, please produce all NWDC Housekeeping Plans.

RESPONSE TO NO. 35: GEO objects to this Request on the grounds that the Request seeks information outside of the scope of discovery, as any housekeeping plans are not relevant to the claims or defenses in this case. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control and produce, to the extent they exist and subject to the protective order entered in this case, relevant, responsive, non-privileged NWDC Housekeeping plans from 2005 to January 5, 2018.

REQUEST FOR PRODUCTION NO. 36: For each of the years 2005 to the present, please produce all documents, reports, and databases that contain aggregated data or information about detainee worker compensation for participation in NWDC's VWP.

RESPONSE TO NO. 36: GEO objects to this Request on the grounds that it is overly broad and unduly burdensome, as it seeks "*all* documents, reports, and databases *that contain information*" about detainee compensation for participation in NWDC's VWP, because that would encompass a massive amount of non-relevant information that is co-mingled with information that is actually relevant to the claims and defenses in this case. For example, information about payments to detainees is contained in the NWDC's commissary system, which contains information about the purchasing and provisioning of a multitude of items for sale in the NWDC commissary. This information has no bearing on the claims and defenses in this case. GEO objects to this Request to the extent that it seeks that information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. GEO also objects to this Request on the grounds that it is unduly burdensome, as it

1 would require GEO to continuously supplement and produce additional information without a
 2 defined end date. Subject to and without waiving GEO's above stated objections, GEO will
 3 conduct a reasonable search of documents on active electronic systems and reasonably accessible
 4 paper storage areas that GEO reasonably believes contain potentially relevant information within
 5 its possession, custody, and control and produce, to the extent they exist, and subject to the
 6 protective order entered in this case, relevant, responsive, non-privileged documents sufficient to
 7 show detainee compensation for participation in NWDC's VWP from 2005 to January 5, 2018.
 8

9
 10 **REQUEST FOR PRODUCTION NO. 37:** For the relevant time period, please produce all
 invoices and supporting documents submitted to ICE for payments related to the VWP.

11 **RESPONSE TO NO. 37:** GEO objects to this Request on the grounds that it seeks information
 12 related to facilities other than the NWDC, which is outside of the scope of discovery and not
 13 relevant to the claims or defenses of this case. GEO also objects to the Request as unduly
 14 burdensome, as it would require GEO to continuously supplement and produce additional
 15 information without a defined end date. Subject to and without waiving GEO's above stated
 16 objections, GEO will conduct a reasonable search of documents on active electronic systems and
 17 reasonably accessible paper storage areas that GEO reasonably believes contain potentially
 18 relevant information within its possession, custody, and control, and produce relevant, responsive,
 19 non-privileged invoices and supporting documents submitted to ICE for payments related to the
 20 NWDC's VWP subject to ICE's review and approval from 2005 to January 5, 2018.
 21
 22

23 **REQUEST FOR PRODUCTION NO. 38:** For each of the years 2005 to the present, please
 24 produce all GEO's financial statements, Profit and Loss statements, budget, and budget to
 25 actual analysis on a quarterly or annual basis for each of the years during the relevant time
 26 period.

RESPONSE TO NO. 38: GEO objects to this Request as outside of the scope of discovery, as it seeks documents that are not relevant to the claims or defenses in this case. GEO's Profit and Loss statements contain information related to a multitude of other facilities that are not subject to the above captioned litigation and over which the State of Washington has no authority, oversight, or contractual relationship. GEO also objects to this Request as cumulative of other requests, including, but not limited to, Request No. 18. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement and produce additional information without a defined end date. Finally, GEO objects to this Request to the extent that it requests information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 39: To the extent not previously produced, please produce GEO's U.S. Corrections & Detention Division financial statements, Profit and Loss statements, budget, and budget to actual analysis on a quarterly or annual basis for each of the years during the relevant time period.

RESPONSE TO NO. 39: GEO objects to this Request as outside of the scope of discovery, as it seeks documents that are not relevant to the claims or defenses in this case. Furthermore, GEO objects to this Request as it is not proportionate to the needs of the case, as discovery of GEO's U.S. Corrections & Detention Division's financial statements, Profit and Loss statements, budget, and budget to actual analysis on a quarterly or annual basis do nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement and produce additional information without

1 a defined end date. GEO also objects to this Request as cumulative of other requests, including,
 2 but not limited to, Request Nos. 18 and 38. Finally, GEO objects to this Request to the extent
 3 that it requests information protected by the attorney-client privilege, the work product doctrine,
 4 the common interest privilege, and/or any other applicable privileges or immunities. GEO will
 5 not be producing documents in response to this Request and is withholding responsive documents
 6 subject to the above stated objections.
 7

8 **REQUEST FOR PRODUCTION NO. 40:** To the extent not previously produced, please
 9 produce the NWDC's financial statements, Profit and Loss statements, budget, and budget
 10 to actual analysis on a quarterly or annual basis from 2005 to present, including all
 11 documents that set forth the detailed operating costs of the facility, Voluntary Work
 12 Program costs, labor costs, and payroll expenses as well as all details of revenue, contract
 13 payments and reimbursements.

14 **RESPONSE TO NO. 40:** GEO objects to this Request to the extent that it seeks financial
 15 statements or other documents reflecting budgeted expenditures that are not relevant to the claims
 16 or defenses in this case. In addition, this request is objectionable because it is overly broad and
 17 unduly burdensome as it seeks budgets, budget to actual analyses which have no bearing on any
 18 claim or defense in the case. GEO also objects to this Request on the grounds that it is unduly
 19 burdensome, as it would require GEO to continuously supplement and produce additional
 20 information without a defined end date. Finally, GEO also objects to this Request as cumulative
 21 of other requests, including, but not limited to, Request Nos. 18, 38, and 39. Subject to and
 22 without waiving GEO's above stated objections, GEO will conduct a reasonable search of
 23 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 24 reasonably believes contain potentially relevant information within its possession, custody, and
 25 control, and produce relevant, responsive, non-privileged documents, to the extent they exist and
 26 subject to the protective order entered in this case, sufficient to show actual expenditures related

1 to the VWP at NWDC from 2005 to January 5, 2018. GEO will withhold documents subject to
 2 the above stated objections.

3
 4 **REQUEST FOR PRODUCTION NO. 41:** To the extent not previously produced, please
 5 produce all documents that contain financial performance analysis, financial models,
 6 financial evaluations, analysis of profits earned, or other assessments of the performance of
 the NWDC contract(s) with ICE.

7 **RESPONSE TO NO. 41:** GEO objects to this Request on the grounds that it far exceeds the
 8 scope of discovery under Fed. R. Civ. P. 26(b)(1) as it seeks documents that have no bearing on
 9 the claims or defenses in this case. To the extent the State seeks information related to its unjust
 10 enrichment claim, analyses, models, evaluations and other assessments are not relevant. Only the
 11 actual profits or losses related to the NWDC's VWP program would be relevant. GEO has agreed
 12 to produce those documents, subject to its objections, in response to Request 18. GEO objects to
 13 this Request to the extent that it requests information protected by the attorney-client privilege,
 14 the work product doctrine, the common interest privilege, and/or any other applicable privileges
 15 or immunities. GEO also objects to this Request on the grounds that it is unduly burdensome, as
 16 it would require GEO to continuously supplement and produce additional information without a
 17 defined end date. Finally, GEO objects to this Request as cumulative of other Requests seeking
 18 similar financial information. GEO will not be producing documents in response to this Request
 19 and is withholding responsive documents subject to the above stated objections.
 20
 21

22 **REQUEST FOR PRODUCTION NO. 42:** To the extent not previously produced, please
 23 produce all documents related to the profit or loss of the NWDC's Voluntary Work
 24 Program, including budget, and budget to actual analysis on a quarterly or annual basis
 25 from 2005 to the present, and all documents that set forth the detailed operating costs of the
 Voluntary Work Program, as well as revenues, payments and reimbursements received.

26 **RESPONSE TO NO. 42:** GEO objects to this Request because it is overly broad and unduly
 27 burdensome as it seeks budgets, budget to actual analyses which have no bearing on any claim or
 28 STATE OF WASHINGTON v. GEO GROUP NORTON ROSE FULBRIGHT US LLP
 ECF CASE NO. 3:17-cv-05806-RJB Andrea L. D'Ambra
 GEO GROUP'S RESPONSE TO THE STATE - 24 - 1301 Avenue of the Americas
 OF WASHINGTON'S SECOND REQUESTS New York, NY 10019
 FOR PRODUCTION OF DOCUMENTS Telephone: (212) 318-3000

1 defense in the case. GEO further objects to this request because it seeks all documents related to
 2 the profit or loss of the NWDC's Voluntary Work Program. To the extent the State seeks
 3 information related to its unjust enrichment claim only the actual profits or losses related to the
 4 NWDC's VWP program would be relevant. GEO has agreed to produce those documents,
 5 subject to its objections, in response to Request 18. GEO also objects to this Request on the
 6 grounds that it is unduly burdensome, as it would require GEO to continuously supplement and
 7 produce additional information without a defined end date. Finally, GEO objects to this Request
 8 as cumulative of other Requests seeking similar financial information, such as Request No. 40.
 9 Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable
 10 search of documents on active electronic systems and reasonably accessible paper storage areas
 11 that GEO reasonably believes contain potentially relevant information within its possession,
 12 custody, and control, and produce relevant, responsive, non-privileged documents, to the extent
 13 they exist and subject to the protective order entered in this case, sufficient to show the operating
 14 costs of the VWP at NWDC from 2005 to January 5, 2018. GEO will withhold documents
 15 subject to the above stated objections.
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18
 19 **REQUEST FOR PRODUCTION NO. 43:** To the extent not previously produced, please
 20 produce all documents that contain financial analysis, financial models, analysis of profits
 21 earned, valuation of the work performed, or other assessments of the Voluntary Work
 22 Program at the NWDC from 2004 to present.

23 **RESPONSE TO NO. 43:** GEO objects to this Request to the extent that it seeks financial
 24 projections or other documents reflecting budgeted expenditures that are not relevant to the
 25 claims or defenses in this case. GEO also objects to this Request on the grounds that it is unduly
 26 burdensome, as it would require GEO produce documents dating back to 2004—before the
 27 relevant time period of this case and to continuously supplement and produce additional
 28

1 information without a defined end date. Finally, GEO objects to this Request as cumulative of
 2 other Requests seeking similar financial information, such as, but not limited to, Requests Nos. 40
 3 and 42. Subject to and without waiving GEO's above stated objections, GEO will conduct a
 4 reasonable search of documents on active electronic systems and reasonably accessible paper
 5 storage areas that GEO reasonably believes contain potentially relevant information within its
 6 possession, custody, and control, and produce relevant, responsive, non-privileged documents, to
 7 the extent they exist and subject to the protective order entered in this case, sufficient to show
 8 GEO's financial analysis of the VWP at NWDC from 2005 to January 5, 2018. GEO will
 9 withhold documents subject to the above stated objections.
 10
 11

12 **REQUEST FOR PRODUCTION NO. 44:** To the extent not previously produced, please
 13 produce all documents that contain financial analysis, financial models, analysis of profits
 14 earned, valuation of the work performed, or other assessments of the Voluntary Work
 Program within the GEO Group from 2005 to the present.

15 **RESPONSE TO NO. 44:** GEO objects to this Request to the extent that it seeks financial
 16 projections or other documents reflecting budgeted expenditures that are not relevant to the
 17 claims or defenses in this case. GEO also objects on the grounds that this Request seeks
 18 information related to facilities other than the NWDC, which is outside of the scope of discovery
 19 and not relevant to the claims or defenses of this case. Furthermore, GEO objects to this Request
 20 on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement
 21 and produce additional information without a defined end date. Finally, GEO objects to this
 22 Request as cumulative of other Requests seeking similar financial information, such as, but not
 23 limited to, Requests Nos. 40, 42, and 43. GEO will not be producing documents in response to
 24 this Request and is withholding responsive documents subject to the above stated objections.
 25
 26

REQUEST FOR PRODUCTION NO. 45: For each year from 2005 to the present, please produce a representative commissary price list used by detainees during that year to order items from the commissary.

RESPONSE TO NO. 45: GEO objects to this Request on the grounds that it seeks information outside of the scope of discovery, as commissary price lists are not relevant to the claims or defenses in this case. GEO also objects to the extent that this Request seeks information not within GEO's possession, custody, or control as the NWDC's commissary system is, or has been at times during the relevant period, administered by a third party. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement and produce additional information without a defined end date. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 46: Please produce all documents that set forth the terms and conditions of the NWDC detainee telephone/communications system, including, without limitation, the contract(s) with vendors.

RESPONSE TO NO. 46: GEO objects to this Request on the grounds that it seeks information outside of the scope of discovery, as the NWDC detainee telephone/ communications system is not relevant to the claims or defenses in this case. GEO objects to this Request as overly broad and unduly burdensome the Request has no defined end date and requires GEO to continuously supplement and produce additional information without a defined end date. GEO also objects to the extent that this Request seeks information not within GEO's possession, custody, or control as the NWDC's detainee telephone/communications system is, or has been at times within the relevant period, administered by a third party. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 47: For each of the year from 2005 to the present, please produce a representative telephone/communications price list or other documents that set forth the cost of telephone calls and video calls made by detainees.

RESPONSE TO NO. 47: GEO objects to this Request on the grounds that it seeks information outside of the scope of discovery, as the NWDC detainee telephone/communications system is not relevant to the claims or defenses in this case. GEO objects to this Request as overly broad and unduly burdensome the Request has no defined end date and requires GEO to continuously supplement and produce additional information without a defined end date. GEO also objects to the extent that this Request seeks information not within GEO's possession, custody, or control as the NWDC's detainee telephone/communications system is, or has been at times within the relevant period, administered by a third party. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 48: To the extent not previously produced, please produce the contract(s) originally entered into by the GEO Group's predecessor Correctional Services Corporation.

RESPONSE TO NO. 48: GEO objects to this Request on the grounds that is seeks information outside of the scope of discovery, as contracts entered into by a predecessor contractor are not relevant to the claims or defenses in this case. In addition, GEO objects on the basis that the Request is overly broad as it seeks information related to facilities other than the NWDC and outside of the relevant period. Finally, GEO objects to this Request on the grounds that it is vague and ambiguous in that it seeks contracts "originally entered into" by a predecessor contractor. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 49: Please produce the ICE solicitation(s) for all ICE/GEO Group Contracts related to the NWDC from 2005 to present.

STATE OF WASHINGTON v. GEO GROUP
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GEO GROUP'S RESPONSE TO THE STATE
OF WASHINGTON'S SECOND REQUESTS
FOR PRODUCTION OF DOCUMENTS

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NORTON ROSE FULBRIGHT US LLP
Andrea L. D'Ambra
1301 Avenue of the Americas
New York, NY 10019
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RESPONSE TO NO. 49: GEO objects to the extent that the Request seeks documents not within GEO's possession, custody, or control. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement and produce additional information without a defined end date. Subject to and without waiving GEO's above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, and produce relevant, responsive, non-privileged documents, to the extent they exist and subject to the protective order entered in this case, of ICE solicitations for ICE/Geo Contracts related to the NWDC from 2005 to January 5, 2018.

REQUEST FOR PRODUCTION NO. 50: To the extent not previously produced, please produce the GEO Group's offer(s) and bid(s), and all supporting documents and submissions in support of those offer(s) and bid(s), submitted in response to ICE solicitation(s), or in negotiations related to amendment(s) and renewal(s), of contracts related to the NWDC at any time from 2005 to the present.

RESPONSE TO NO. 50: GEO objects to this request as it seeks documents outside the scope of discovery as defined by Fed. R. Civ. P. 26(b)(1). GEO's offers and bids and supporting documents have no bearing on any claim or defense in the case as GEO's proposals to ICE do not control whether detainees participating in the VWP were employees under the Washington Minimum Wage Act. GEO also objects to the Request as not proportionate to the needs of the case, as discovery of "all supporting documents and submissions in support" of offers and bids does nothing to resolve any issue in the case and any burden on GEO would outweigh the negligible benefit Plaintiff would receive from the information. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement

1 and produce additional information without a defined end date. Finally, GEO objects to this
 2 Request as vague and ambiguous as it concerns “contracts related to the NWDC” and is
 3 cumulative of other Requests, including but not limited, Requests No. 8 and 49. Subject to and
 4 without waiving GEO’s above stated objections, GEO will conduct a reasonable search of
 5 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 6 reasonably believes contain potentially relevant information within its possession, custody, and
 7 control, and produce relevant, responsive, non-privileged documents, to the extent they exist and
 8 subject to the protective order entered in this case, sufficient to show GEO Group’s offer(s) and
 9 bid(s) submitted in response to ICE solicitation(s) of contracts related to the NWDC at any time
 10 from 2005 to January 5, 2018. GEO will withhold documents subject to the above stated
 11 objections.
 12

13
 14 **REQUEST FOR PRODUCTION NO. 51:** Please produce all documents containing
 15 financial performance analyses, financial models, or other financial evaluations prepared in
 16 connection with or for the purpose of GEO Group’s offer(s) and bid(s), and negotiations
 17 related to amendment(s) and renewal(s), of contracts related to the NWDC from 2005 -
 18 present.

19 **RESPONSE TO NO. 51:** GEO objects to this Request to the extent that it requests information
 20 protected by the attorney-client privilege, the work product doctrine, the common interest
 21 privilege, and/or any other applicable privileges or immunities. GEO objects to this request as it
 22 is wildly overbroad because as written it would seek the analyses, models, or other valuations for
 23 any contract, the vast majority of which have no bearing whatsoever on the claims or defenses in
 24 this case. For example, the request as written seeks financial analyses, models, or evaluations
 25 related to contracts with food distributors, maintenance contracts for the heating and air
 26 conditioning, and contracts for IT equipment. None of these are relevant to the claims or

defenses in this case. GEO also objects to this Request overly broad and unduly burdensome as the financial performance analyses, financial models, or other financial evaluations prepared in connection with or for the purpose of GEO Group's offer(s) and bid(s), and negotiations related to amendment(s) and renewal(s), of ICE contracts related to the NWDC also have no bearing on the claims or defenses in this case. None of that information would make it more or less likely that detainees at the NWDC who participated in the VWP are employees under the Washington State Minimum Wage Act. Nor would these analyses, evaluations or assessments impact the actual profit or losses related to the NWDC's VWP program. GEO also objects on the basis that the terms "financial performance analysis," "financial models," and "financial evaluations" as vague and ambiguous. GEO also objects to this Request on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement and produce additional information without a defined end date. Finally, GEO objects to this Request as cumulative of other Requests seeking similar financial information. GEO will not be producing documents in response to this Request and is withholding responsive documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 52: To the extent not previously produced, please produce any per diem rate calculations and models related to GEO Group's NWDC Contract(s) from 2005 to present, including, but not limited to, the following factors: "Voluntary Work Program" costs and expenses; labor costs and payroll expenses (excluding Voluntary Work Program); expected and guaranteed occupancy; all other costs of providing services (including food, medical, building operations, etc.); desired margins.

RESPONSE TO NO. 52: GEO objects to this Request to the extent that it requests information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. GEO objects to this request as outside the scope of discovery as defined in Fed. R. Civ. P. 26(b)(1) as it requests per diem rate

1 calculations and models related to the NWDC's expected and guaranteed occupancy and desired
 2 margins. Neither of these categories of documents have any bearing on the claims or defenses in
 3 this case nor would they impact any disgorgement calculation. GEO also objects to this Request
 4 on the grounds that it is unduly burdensome, as it would require GEO to continuously supplement
 5 and produce additional information without a defined end date. GEO objects to this Request as
 6 vague and ambiguous as it relates to the undefined "NWDC Contracts," which (as described in
 7 GEO's response to Request 51) may encompass myriad contracts having nothing to do with this
 8 case. Finally, GEO objects to this Request as it is cumulative of other Requests seeking similar
 9 financial information. Subject to and without waiving GEO's above stated objections, GEO will
 10 conduct a reasonable search of documents on active electronic systems and reasonably accessible
 11 paper storage areas that GEO reasonably believes contain potentially relevant information within
 12 its possession, custody, and control, and produce relevant, responsive, non-privileged documents,
 13 to the extent they exist and subject to the protective order entered in this case, sufficient to show
 14 GEO's per diem rate calculations and models related to the VWP, labor costs and payroll
 15 expenses (excluding Voluntary Work Program); all other costs of providing services (including
 16 food, medical, building operations, etc.) at NWDC from 2005 to January 5, 2018. GEO will
 17 withhold documents subject to the above stated objections.

21 **REQUEST FOR PRODUCTION NO. 53:** To the extent not previously produced, please
 22 produce any calculations concerning overhead and other costs allocated to the NWDC
 23 Contracts in evaluating profitability and the per diem rates as well as the methodology used
 24 to allocate such costs, including any changes in methodology.

24 **RESPONSE TO NO. 53:** GEO objects to this Request to the extent that it requests information
 25 protected by the attorney-client privilege, the work product doctrine, the common interest
 26 privilege, and/or any other applicable privileges or immunities. Furthermore, GEO objects to the

Request as not proportionate to the needs of the case, as discovery of any calculations concerning overhead and “other costs allocated to the NWDC contracts” is unreasonably broad and burdensome when documents sufficient to show such calculations and costs would be reasonable and complete. GEO objects to this Request as vague and ambiguous as it relates to the undefined “NWDC Contracts,” which (as described in GEO’s response to Request 51) may encompass myriad contracts having nothing to do with this case. Finally, GEO objects to this Request as it is cumulative of other Requests seeking similar financial information, including but not limited to Request No. 52. Subject to and without waiving GEO’s above stated objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, and produce relevant, responsive, non-privileged documents, to the extent they exist and subject to the protective order entered in this case, sufficient to show GEO’s calculations and models concerning overhead and other costs related to the VWP at NWDC from 2005 to January 5, 2018. GEO will withhold documents subject to the above stated objections.

REQUEST FOR PRODUCTION NO. 54: To the extent not previously produced, please produce all documents that contain any analyses of the NWDC Contract costs, and categorization of those costs as variable or fixed, during the relevant period and any changes to allocation of costs inbetween categories.

RESPONSE TO NO. 54: GEO objects to this Request to the extent that it requests information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. GEO also objects to this Request to the extent that it seeks analyses of NWDC ICE contract costs that are not relevant to the claims

1 or defenses in this case. Furthermore, GEO objects to the Request as not proportionate to the
 2 needs of the case, as discovery of “*all documents* that contain *any analyses* of the NWDC
 3 Contract costs” places a substantial burden on GEO that would outweigh the negligible benefit
 4 Plaintiff would receive, especially from information unrelated to the VWP at the NWDC. GEO
 5 objects to this Request as vague and ambiguous as it relates to the undefined “NWDC Contracts,”
 6 which (as described in GEO’s response to Request No. 51) may encompass myriad contracts
 7 having nothing to do with this case. This request is also unduly because it seeks, among other
 8 information, documents containing “any changes to the allocation of costs inbetween categories,”
 9 which would require an unreasonable and disproportionate amount of analysis to determine
 10 which, if any, documents contained such changes. Finally, GEO objects to the extent this
 11 Request is cumulative of other Requests seeking similar financial information. Subject to and
 12 without waiving GEO’s above stated objections, GEO will conduct a reasonable search of
 13 documents on active electronic systems and reasonably accessible paper storage areas that GEO
 14 reasonably believes contain potentially relevant information within its possession, custody, and
 15 control, and produce relevant, responsive, non-privileged documents, to the extent they exist and
 16 subject to the protective order entered in this case, sufficient to show GEO’s analysis of costs
 17 related to the VWP in GEO-ICE contracts governing GEO’s operation of the NWDC from 2005
 18 to January 5, 2018. GEO will withhold documents subject to the above stated objections.
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22 **REQUEST FOR PRODUCTION NO. 55:** To the extent not previously produced, please
 23 produce any documents or information related to assumptions made in determining the
 24 contractually negotiated per diem rate(s) and calculations for the NWDC Contracts.

25 **RESPONSE TO NO. 55:** GEO objects to this Request to the extent that it requests information
 26 protected by the attorney-client privilege, the work product doctrine, the common interest

1 privilege, and/or any other applicable privileges or immunities. GEO objects to this request as it
 2 seeks documents outside the scope of discovery as defined by Fed. R. Civ. P. 26(b)(1) because
 3 assumptions made in determining the contractually negotiated per diem rates and calculations in
 4 the GEO ICE NWDC contract have no bearing on whether detainees participating in the VWP
 5 program are employees under the Washington State Minimum Wage Act nor does that
 6 information impact any possible disgorgement calculation. GEO objects to this Request as vague
 7 and ambiguous as it seeks “information related to assumptions made” concerning the undefined
 8 “NWDC Contracts.” Finally, GEO objects to the extent this Request is cumulative of other
 9 Requests seeking similar financial information, including but not limited to, Requests No. 52 to
 10 54. GEO will not be producing documents in response to this Request and is withholding
 11 responsive documents subject to the above stated objections.
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 13

14 **REQUEST FOR PRODUCTION NO. 56:** Please produce all audit reports and findings in
 15 connection with all internal audits of the NWDC’s VWP during the relevant period.

16 **RESPONSE TO NO. 56:** GEO objects to this Request to the extent that it requests information
 17 protected by the attorney-client privilege, the work product doctrine, the common interest
 18 privilege, and/or any other applicable privileges or immunities. GEO objects to this Request as
 19 overly broadly and outside of the scope of discovery as it would require production of audit
 20 information unrelated to the NWDC’s VWP, which is not relevant to the claims or defenses in
 21 this case. GEO also objects to this Request as vague and ambiguous to extent that it also seeks
 22 “findings in connection” with internal audits. Subject to and without waiving GEO’s above stated
 23 objections, GEO will conduct a reasonable search of documents on active electronic systems and
 24 reasonably accessible paper storage areas that GEO reasonably believes contain potentially
 25 relevant information within its possession, custody, and control, and produce relevant, responsive,
 26

1 non-privileged documents, to the extent they exist and subject to the protective order entered in
 2 this case, of audit reports and internal audits of the NWDC's VWP from 2005 to January 5, 2018.
 3 GEO is withholding documents on the basis of the above stated objections.
 4

5 **REQUEST FOR PRODUCTION NO. 57:** Please produce all audit reports and findings in
 6 connection with all governmental agency audits of the NWDC's VWP during the relevant
 7 period.

8 **RESPONSE TO NO. 57:** GEO further objects to this Request as overly broadly and outside of
 9 the scope of discovery to the extent it would require production of audit information unrelated to
 10 the NWDC's VWP, which is not relevant to the claims or defenses in this case. GEO also objects
 11 to this Request as vague and ambiguous to the extent that it also seeks "findings in connection"
 12 with government agency audits. Subject to and without waiving GEO's above stated objections,
 13 GEO will conduct a reasonable search of documents on active electronic systems and reasonably
 14 accessible paper storage areas that GEO reasonably believes contain potentially relevant
 15 information within its possession, custody, and control, and produce relevant, responsive, non-
 16 privileged audit reports of government agency audits of the NWDC's VWP, to the extent they
 17 exist and subject to the protective order entered in this case, from 2005 to January 5, 2018. GEO
 18 is withholding documents on the basis of the above stated objections.
 19

20 **REQUEST FOR PRODUCTION NO. 58:** Please produce all detainee worker kites or
 21 complaints and all documents, responses, and resolutions to those kites or complaints that
 22 relate, in any way, to compensation or failure to pay compensation for work done in the
 23 VWP.

24 **RESPONSE TO NO. 58:** GEO objects to this Request to the extent that it requests information
 25 protected by the attorney-client privilege, the work product doctrine, the common interest
 26 privilege, and/or any other applicable privileges or immunities. GEO also objects to the Request
 27 as overly broad as it seeks "kites or complaints all documents, responses, and resolutions to those

1 kites or complaints that relate, *in any way*” to detainee compensation, which would lead to the
 2 production of documents with no relationship whatsoever to the claims or defenses in the case.
 3 For example, a complaint from a former detainee about money in his commissary account not
 4 being refunded upon his release or transfer may indeed “relate” to detainee compensation but
 5 have no bearing on the claims or defenses in this case. Subject to and without waiving GEO’s
 6 above stated objections, GEO will conduct a reasonable search of documents on active electronic
 7 systems and reasonably accessible paper storage areas that GEO reasonably believes contain
 8 potentially relevant information within its possession, custody, and control, and produce relevant,
 9 responsive, non-privileged documents, to the extent they exist and subject to the protective order
 10 entered in this case, of kites and complaints relating to compensation detainees received for their
 11 participation in NWDC’s VWP from 2005 to January 5, 2018. GEO is withholding documents
 12 on the basis of the above stated objections.
 13
 14

15 **REQUEST FOR PRODUCTION NO. 59:** Please produce all detainee worker kites or
 16 complaints regarding the VWP and all documents, responses, and resolutions to those kites
 17 or complaints that relate, in any way, to working hours, working conditions, treatment by
 18 guards at work, hiring, job assignments, supervision, or termination.

19 **RESPONSE TO NO. 59:** GEO objects to this Request to the extent that it requests information
 20 protected by the attorney-client privilege, the work product doctrine, the common interest
 21 privilege, and/or any other applicable privileges or immunities. GEO also objects to the Request
 22 as overly broad as it seeks “kites or complaints that relate, *in any way*” to a number of topics
 23 tangentially related to the VWP, which would lead to the production of documents with no
 24 relationship whatsoever to the claims or defenses in the case. For example, kites that request a
 25 change in an individual detainee’s classification may indeed “relate” to the VWP but have no
 26 bearing on the claims or defenses in this case. Subject to and without waiving GEO’s above
 27

1 stated objections, GEO will conduct a reasonable search of documents on active electronic
 2 systems and reasonably accessible paper storage areas that GEO reasonably believes contain
 3 potentially relevant information within its possession, custody, and control, and produce relevant,
 4 responsive, non-privileged documents, to the extent they exist and subject to the protective order
 5 entered in this case, of kites and complaints relating to detainee experience and participation in
 6 NWDC's VWP from 2005 to January 5, 2018. GEO is withholding documents on the basis of the
 7 above stated objections.
 8

9
 10 **REQUEST FOR PRODUCTION NO. 60:** Please produce documents that relate, in any
 11 way, to staff recruitment from the local community and the NWDC contribution to the local
 12 economy through salaries and purchase of goods and services.

13 **RESPONSE TO NO. 60:** GEO objects to this Request as seeking information outside of the
 14 scope of discovery defined in Fed. R. Civ. P. 26(b)(1) as information relating to staff recruitment
 15 and the identity of non-detainees performing work outside of the VWP is not relevant to the
 16 claims and defenses of the case. In addition, the extent of NWDC's contribution to the local
 17 economy through salaries and the purchase of goods and services also does not relate to any claim
 18 or defense in this case. None of this information would tend to prove or disprove whether
 19 detainees participating in the VWP should be considered employees under the Washington
 20 Minimum Wage Act. Furthermore, GEO objects on the grounds that producing the requested
 21 documents is unduly burdensome, overly broad, and not proportionate to the needs of the case as
 22 the burdens of additional discovery outweigh the negligible benefit Plaintiff will receive from the
 23 information. GEO will not be producing documents in response to this Request and is
 24 withholding responsive documents subject to the above stated objections.
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1 Dated: July 12, 2018

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27 STATE OF WASHINGTON v. GEO GROUP
28 ECF CASE NO. 3:17-cv-05806-RJB
GEO GROUP'S RESPONSE TO THE STATE
OF WASHINGTON'S SECOND REQUESTS
FOR PRODUCTION OF DOCUMENTS

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CERTIFICATE OF SERVICE

I, Sean M. Topping, certify that on July 12, 2018, I caused to be served a true and correct copy of the above GEO Group's Response to the State of Washington's Second Set of Requests for Production of Documents, via Electronic Mail as follows:

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I certify under penalty of perjury under the State of Washington that the above information is true and correct.

Dated this 12th day of July 2018, at New York, NY

/s/ Sean M. Topping
Sean M. Topping